

# House Study Bill 288

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
GOVERNMENT OVERSIGHT BILL  
BY CHAIRPERSON LENSING)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the authority of the director of the  
2 department of natural resources in disaster emergencies.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 2375HC 83  
5 tm/rj/8

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1 1 Section 1. NEW SECTION. 455A.4A DIRECTOR AUTHORITY ==  
1 2 DISASTER EMERGENCIES.  
1 3 Upon a proclamation of disaster emergency by the governor  
1 4 pursuant to section 29C.6, the director may do any of the  
1 5 following:  
1 6 1. Suspend any requirement in title XI, subtitles 1, 2,  
1 7 and 6, or any rule adopted pursuant to such subtitles if  
1 8 strict compliance with the statute or rule would prevent,  
1 9 hinder, or delay necessary action in responding to the  
1 10 disaster emergency.  
1 11 2. Issue orders as necessary to respond to the disaster  
1 12 emergency which shall be effective immediately upon issuance.  
1 13 Any appeal or request for review of such orders shall not  
1 14 suspend the implementation of the action ordered.  
1 15 3. Adopt rules and policies as necessary to respond to the  
1 16 disaster emergency. Such rules and policies shall be exempt  
1 17 from being promulgated as provided in chapter 17A.  
1 18 4. Any suspension of a statute or rule, issuance of an  
1 19 order, or adoption of a rule or policy shall meet all of the  
1 20 following criteria:  
1 21 a. It must be as narrow as possible to respond to and  
1 22 remedy the disaster emergency condition.  
1 23 b. It must be limited to the time necessary to address the  
1 24 disaster emergency conditions and any repairs and remedial  
1 25 measures associated with the disaster emergency.  
1 26 c. It must be developed and implemented so as not to  
1 27 result in loss of federal moneys or program delegation.

### EXPLANATION

1 29 This bill relates to the authority of the director of the  
1 30 department of natural resources in disaster emergencies.  
1 31 The bill allows the director to suspend certain statutes  
1 32 and administrative rules if strict compliance with the statute  
1 33 or rule would prevent, hinder, or delay necessary action in  
1 34 responding to the disaster emergency. The director may issue  
1 35 orders as necessary to respond to the disaster emergency which  
2 1 shall be effective immediately upon issuance. The director  
2 2 may adopt rules and policies as necessary to respond to the  
2 3 disaster emergency. Such actions must be narrowly prescribed,  
2 4 limited in time, and implemented in accordance with federal  
2 5 law.  
2 6 LSB 2375HC 83  
2 7 tm/rj/8